

### **REMARKS**

Claims 1-11 were pending in the present application. By virtue of this response, Claims 1-10 have been amended and new Claim 12 added. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added.

#### **Rejections**

Claims 1, 4, and 7-11 stand rejected under 35 U.S.C. § 103 as unpatentable over Kawakami in view of Henderson.

Claims 2-3, 5 and 6 stand rejected under 35 U.S.C. § 103 as unpatentable over Kawakami and Henderson further in view of Sipotz.

#### **Amendments**

All the pending claims are amended. These amendments not for purposes of patentability, are not intended to narrow the claims, and are not responsive to the rejections. Instead the amendments improve clarity of expression, remove unnecessary limitations, and improve the form of the claims.

#### **Response to Rejections**

All of the rejections are traversed. It is respectfully submitted that the references both singularly and in combination fail to meet the claims.

The first rejection cites Kawakami in combination with Henderson. The Examiner admits that Kawakami does not have the temporary positioning projection on the housing or the adjusting the angle of the attachment surface of the beam splitter or the beam splitter adjusting unit or adjusting the angle of the beam splitter where the adhesive is uncured. The Examiner asserts at page 5 of the current Office Action that Henderson makes good these deficiencies in Kawakami. However this is clearly not the case. Henderson uses adjusting screws. These are apparently not for

manufacturing assembly but for use to adjust the device when in operation. There is no adhesive mentioned in Henderson. Further in Henderson there is no indication of adjustment while an adhesive is uncured. The Examiner, page 5 of the Action near the bottom, cites Henderson column 2, lines 9-20 and lines 50-54 and Figure 10 element 72-74. However it is not seen where these disclose the adhesive aspect or adjusting position while an adhesive is uncured. Instead the three adjusting screws described in Henderson column 2, lines 50-54, are apparently for use in adjusting the position of the device when it is in use, not for when assembling it. Clearly assembling using adhesive is a relatively permanent step, unlike the adjustment screws used by Henderson which are clearly for adjustments as needed. There is also no use in Henderson or Kawakami of projection sticks which are inserted in through holes in the housing for temporary adjustment while an adhesive is curing.

In accordance with the present invention, advantageously there is provided an optical pickup device having a housing with projection(s) and through holes in it. The projection(s) are directed to position the beam splitter so the beam splitter does not move in the e.g. horizontal direction while the adhesive is uncured during the assembly of the optical pickup device. The through holes in the housing are used so that while the adhesive is uncured an optical axis of the beam splitter can be adjusted to coincide with the optical axis of the optical pickup device by inserting projection sticks in each through hole and moving the projection sticks so as to have the two optical axis coincide, see Claim 1. Claims 7 and 8 are directed to a method of assembling an optical pickup device having similar features, and Claims 9 and 10 are directed to a related assembly apparatus.

Therefore it is respectfully submitted that Claim 1 distinguishes over the two cited references first because Claim 1 recites "a beam splitter fixed to the attachment position by adhesive". Neither cited reference has the adhesive. Next, Claim 1 calls for "a plurality of through holes are defined suitable for inserting therein a plurality of projection sticks for positioning the beam splitter." Again no such feature is shown in either of the cited references, and hence Claim 1 additionally distinguishes over them for this reason and is allowable, as are Claims 2-6 dependent thereon.

The Examiner made essentially the same rejection of Claim 7 as he did to Claim 1. Claim 7 is directed to a method of assembling an optical pickup device and somewhat similarly to Claim 1 calls for “applying an adhesive to a beam splitter attachment position of a housing...” and in the final clause of Claim 7 “inserting projection sticks in through holes defined in the beam splitter attachment position and moving the projection sticks...”. Again neither of these aspects are shown or even suggested in the two cited references and hence Claim 7 distinguishes thereover for at least these reasons.

The Examiner made essentially the same rejection to independent Claims 8, 9, 10 and these claims similarly distinguish over the references for the same reasons as pertain to Claims 1 and 7.

Therefore each of independent Claims 1, 7, 8, 9, and 10 are allowable over the references.

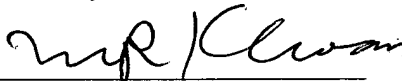
**CONCLUSION**

In view of the above, all presently pending Claims 1-12 are believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite prosecution, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Attorney Docket No. 259052003700.

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Respectfully submitted,

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